HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9045 OF 2005.

S. S. Bhavi. ..Petitioner.

Versus.

The Commissioner & Regional
Director of Municipal Administration
Poone & Another. ..Respondents.

Shri.S.A.Joshi i/b Ambar Joshi for the Petitioner.

CORAM: S.B.MHASE, J.
DATE : MARCH 13, 2006.

P.C.

1. Heard learned counsel. Perused the reasoning in the impugned judgment. The District Judge has observed that fair and reasonable opportunity was given by the commissioner under section 11 of the Bombay Local Fund Act, 1930. Nothing has been brought on record to show that such observation was incorrect. Secondly, action of imposition of the surcharge on the charge under the said Act was based on the audit report in respect of the work done by the petitioner. Therefore, it was for the petitioner to lead evidence supporting his record. The District Judge has rightly recorded that no evidence has been led before the District Judge. Under the circumstances, no interference is called for. Petition is hereby rejected.

(S.B.MHASE, J.)